

Thomas J. Harris III (0065946)

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

WILLIAM KIRKLAND	:	Case No: C-1-02-364
	:	(Judge Weber)
Plaintiff,	:	
Vs.	:	CHARLIE LUKEN ET AL.'S
	:	MOTION FOR EXTENSION OF TIME
	:	TO FILE A RESPONSE TO PLAINTIFF'S
	:	"MOTION TO FILE OUT OF TIME
	:	PROPOSED AMENDED COMPLAINT"
CHARLIE LUKEN, ET AL	:	
801 Plum Street	:	
Cincinnati, Ohio 45202	:	
Defendant	:	

The City of Cincinnati et al, respectfully request until July 12, 2004 to file a Response to Plaintiff's "Motion to file Out of Time Proposed Amended Complaint." Counsel for the City of Cincinnati et al., did not receive the document at issue herein on November 5, 2003 as stated in the Certificate of Service. Counsel for the City of Cincinnati did not receive this document until June 25, 2004 when Plaintiff hand delivered it to the City Solicitor's Office.

Plaintiff in this Proposed Amended Complaint names several new Defendants with several new allegations. One of the Defendants is the retired City Solicitor for the City of Cincinnati. The Other Defendants are high level City of Cincinnati administrators. Counsel for the City of Cincinnati has been unable to contact and personally speak with each of the new Defendant's about the new allegations within the week or so that he

received the Proposed Amended Complaint. In addition, Counsel for the City of Cincinnati was out of the office ill part of June 28, 2004 and all day June 29, 2004.

This requested extension is made to allow counsel for the City of Cincinnati, et al. the opportunity to properly contact and investigate the new allegations made against the existing Defendants and speak with the retired newly named Defendants. For the above stated reasons, Counsel for the City of Cincinnati respectfully request an extension until July 12, 2004 to respond to Plaintiff's Motion to Amend his Complaint.

Respectfully submitted,
J. Rita McNeil
City Solicitor

/s/ Thomas J. Harris
Thomas J. Harris (0065946)
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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing Motion has been sent by regular U.S. Mail to William Kirkland, 2720 Price Apt. #5, Cincinnati, Ohio 45204 this 1st day of July, 2004.

/s/ Thomas J. Harris
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